

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 12280PC	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/CH2004/000586	International filing date (day/month/year) 16.09.2004	Priority date (day/month/year) 16.09.2003	
International Patent Classification (IPC) or national classification and IPC B23K11/06, B05B12/12, G01B11/06			
Applicant ELPATRONIC AG			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>

<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CH2004/000586

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages 1-12 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

nos. 1-12 as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

the drawings:

sheets 1/4-4/4 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:

the description, pages _____

the claims, nos. _____

the drawings, sheets/figs _____

the sequence listing (*specify*): _____

any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____

the claims, nos. _____

the drawings, sheets/figs _____

the sequence listing (*specify*): _____

any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CH2004/000586Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	4-12	YES
	Claims	1-3	NO
Inventive step (IS)	Claims	10	YES
	Claims	1-9, 11, 12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1 This report makes reference to the following documents:

D1: US 4 787 749 A (BAN MIKICHI ET AL) 29 November 1988 (1988-11-29)

D2: US 6 019 504 A (ADAMS HORST) 1 February 2000 (2000-02-01)

D3: PATENT ABSTRACTS OF JAPAN Vol. 0060, No. 34 (P-104), 2 March 1982 (1982-03-02)

D4: EP-A-1 112 801 (FREI AG) 4 July 2001 (2001-07-04)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the requirements of PCT Article 33(1), because the subject matter of claim 1 lacks novelty within the meaning of PCT Article 33(2).

D1 discloses (cf. abstract)

a device for the continuous measurement of the thickness of a covering layer of a workpiece displaced in relation to the device

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CH2004/000586Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

(cf. figure 3b),

the device having a sensor (3) with a multitude of transmitters (3a) for the measuring radiation and with a multitude of receivers (3b) for the measuring radiation reflected by the covering layer and/or the workpiece,

the transmitters and receivers being arranged so as to be intermixed on the sensor and

a computer (4) being provided for generating a continuous measuring signal in accordance with the two parameters emitted radiation and received radiation.

Therefore, D1 discloses all of the features of claim 1. D2 likewise discloses all of the features of this claim.

3 **DEPENDENT CLAIMS 2-9, 11 and 12**
Claims 2-9, 11 and 12 contain no features that, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.

3.1 **Novelty**

Claims 1-3: the features of these claims are disclosed in D1 and D2.

3.2 **Inventive step**

Claims 4, 5, and 7: The use of purging air for cleaning is rendered obvious by D3.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CH2004/000586

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Claim 5: Since the term "low in powder" is not more precisely defined, all known sensors can be interpreted as being "integratable" so as to be low in powder.

Claims 6 and 8: The use of light of a specific wavelength and glass fibers of a specific diameter does not substantiate an inventive step.

Claim 9: D2 discloses the additional features of this claim.

Claims 11 and 12: It is obvious for a person skilled in the art to use the sensors known from D1 or D2 in a device known from D4.

4 OBSERVATIONS

The combination of features in claims 1, 5, and 12 is neither known from nor rendered obvious by the available prior art.

The combination of features in claim 10 is likewise neither known from nor rendered obvious by the available prior art.